

MONDAY, MARCH 11, 1991

TWENTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Rusty Douglas, First Presbyterian Church, Nashville, Tennessee.

Representative John Chiles led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hassell; due to personal business.

SIGNED

March 7, 1991

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 107 and 129; also, House Resolution(s) No(s). 20, 21 and 23.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR
March 11, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 727, 1123, 1176, 1295, 1469, 1497, 1499, 1500 and 1501; also, House Joint Resolution(s) No(s). 102; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

PRESENT IN CHAMBER

Representatives Bittle and R. Jones were recorded as being present in the Chamber.

RULES SUSPENDED

Rep. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 140 out of order, which motion prevailed.

House Joint Resolution No. 0140 -- Memorials, Public Service -- Delta Sigma Theta Sorority, Inc. by *DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

CONSENT CALENDAR

***House Bill No. 1257** -- Gas, Petroleum Products, Volatile Oils -- Changes composition of oil and gas board. Amends TCA 60-1-201.

***House Joint Resolution No. 0095** -- Highway Signs -- James D. Bolton Bridge, Airways Boulevard, Memphis.

***House Joint Resolution No. 0098** -- Memorials, Congress -- Urges rejection of imposition of higher CAFE standards on automotive industry.

House Bill No. 0069 -- Statutes -- Codifies Public Acts of 1990.

On motion, House Bill No. 69 was made to conform with Senate Bill No. 1.

On motion, **Senate Bill No. 1**, on same subject, was substituted for House Bill No. 69.

House Bill No. 0266 -- Pensions and Retirement Benefits -- Authorizes Tennessee Association of County Executives and employees to participate in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2.

On motion, House Bill No. 266 was made to conform with Senate Bill No. 188.

On motion, **Senate Bill No. 188**, on same subject, was substituted for House Bill No. 266.

House Joint Resolution No. 0116 -- Memorials, Death -- Billy Joe Bates.

House Joint Resolution No. 0123 -- Memorials, Sports -- Nicole Ruth Hopson, NCAA, Southern Conference top scorer.

House Bill No. 0782 -- Hickman County -- Increases severance tax on phosphate rock. Amends Chapter 92, Private Acts of 1979.

House Bill No. 0859 -- Hickman County -- Increases severance tax from 5 to 15 cents per ton. Amends Chapter 92, Private Acts of 1979.

House Bill No. 0870 -- Hickman County -- Enacts hotel/motel tax.

House Bill No. 1493 -- White Bluff -- Changes requirement to override mayor's veto. Amends Chapter 257, Private Acts 1923, as amended.

House Bill No. 1495 -- White Bluff -- Increases amount authorized to borrow. Amends Chapter 257, Private Acts of 1923, as amended.

House Bill No. 1496 -- White Bluff -- Increases salary of mayor

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

and council members. Amends Chapter 257, Private Acts of 1923, as amended.

House Bill No. 1504 -- Clarksville -- Revises method of selecting mayor pro tem. Amends Chapter 292, Private Acts of 1957, as amended.

House Bill No. 1508 -- Oliver Springs -- Changes term, qualification and duties of mayor. Amends Chapter 247, Acts of 1905, as amended.

House Bill No. 1520 -- Centertown -- Increases terms of office for commissioners. Amends Chapter 606, Private Acts of 1951, as amended.

House Bill No. 1525 -- Chapel Hill -- Creates new charter. Repeals Chapter 493, Private Acts of 1921, as amended.

Senate Joint Resolution No. 0104 -- Memorials, Public Service -- Rock-Tenn Company.

Senate Joint Resolution No. 0107 -- Memorials, Recognition and Thanks -- Kathryn Passons.

House Bill No. 0833 -- Credit Unions -- Applies certain provisions relative to deposit on death accounts and powers of attorney to credit unions. Amends TCA, Title 45, Ch. 4, Pt. 4.

House Bill No. 0896 -- Insurance Companies, Agents, Brokers -- Provides for reinsurance agreements. Amends TCA, Title 56, Ch. 4, Pt. 2.

On motion, House Bill No. 896 was made to conform with Senate Bill No. 972.

On motion, **Senate Bill No. 972**, on same subject, was substituted for House Bill No. 896.

House Joint Resolution No. 0124 -- Memorials, Heroism -- Corporal James David Tatum.

House Bill No. 1526 -- Columbia -- Revises charter relative to police. Amends Chapter 380, Private Acts of 1972, as amended.

House Bill No. 1527 -- Blount County -- Expands jurisdiction of general sessions court judge. Amends Chapter 345, Private Acts of 1947, as amended.

House Bill No. 1516 -- Bedford County -- Enacts privilege tax on solid waste disposal at landfills; provides for collection and distribution; provides for penalties.

House Bill No. 0999 -- Henry County -- Prohibits members of

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

county road commission from being employed by county highway department. Amends Chapter 326, Private Acts of 1972, as amended.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 782; by Rep. Napier.

House Bill No. 859; by Rep. Napier.

Under the rules, House Bill(s) No(s). 782 and 859 was/were placed at the foot of the calendar for Wednesday, March 13, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Johnson -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 0371 -- Historical Sites -- Enacts "Memorial Home Program Act".**

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Rep. Love moved that House Bill No. 371 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 371 by deleting from Section 4 the language "shall not exceed five thousand dollars (\$5,000) for any single grant.", and by substituting instead the following language:

shall not exceed twenty-five hundred dollars (\$2,500) for any single grant but in no event shall more than fifty thousand dollars (\$50,000) in grant moneys be awarded by the department in any one fiscal year.

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 371 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall be null and void unless the general appropriations act provides an appropriation for the estimated first year's funding pursuant to Article II, Section 24, of the constitution of the state of Tennessee.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Love moved that **House Bill No. 371**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	3

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Allen, Givens, Haun -- 3.

A motion to reconsider was tabled.

House Bill No. 0203 -- Criminal Offenses -- Makes vandalism or destruction of caves specific criminal offense. Amends TCA, Title 11, Ch. 5, Pt. 2.

On motion, House Bill No. 203 was made to conform with Senate Bill No. 194.

On motion, **Senate Bill No. 194**, on same subject, was substituted for House Bill No. 203.

Rep. West moved that **Senate Bill No. 194** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 194 by deleting from the directory language of Section 1, the language "Part 2,".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 194 by adding to Section 1, the following as a new subsection (b) and by redesignating the subsequent subsection as subsection (c)

(b) Nothing in this act shall be construed to prohibit the owner of property from performing on such owner's property any of the acts set forth in subsection (a).

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that **Senate Bill No. 194**, as amended,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0267 -- Pensions and Retirement Benefits -- Authorizes return of Group 2 members' contributions under certain circumstances. Amends TCA, Title 8, Ch. 37, Pt. 2.

On motion, House Bill No. 267 was made to conform with Senate Bill No. 214.

On motion, **Senate Bill No. 214**, on same subject, was substituted for House Bill No. 267.

Rep. Ridgeway moved that **Senate Bill No. 214** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Thereupon, Rep. Ridgeway moved that **Senate Bill No. 214** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 214 and have this statement entered in the Journal.

Rep. Randy Rinks

REGULAR CALENDAR, CONTINUED

House Bill No. 0875 -- Contractors -- Enacts "Prompt Pay Act of 1991". Amends TCA, Title 12, Ch. 4, Pt. 7; Title 66.

Rep. Bivens moved that House Bill No. 875 be reset to the Calendar for Wednesday, March 13, 1991, which motion prevailed.

House Bill No. 0958 -- Railroads -- Exempts certain railroad authority contracts from competitive bidding requirements. Amends TCA, Title 7, Ch. 56.

On motion, House Bill No. 958 was made to conform with Senate Bill No. 496.

On motion, **Senate Bill No. 496**, on same subject, was substituted for House Bill No. 958.

Rep. Ridgeway moved that **Senate Bill No. 496** be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 496 by inserting in Section 1 the words "for maintenance, repairs or rehabilitation" between the words "to contracts" and "between the authority".

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

On motion Amendment No. 1 was adopted.

Thereupon, Rep. Ridgeway moved that **Senate Bill No. 496**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Haley, Hill, Liles -- 3.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 0869 -- Salaries and Benefits -- Removes October 31 deadline for filing prevailing wage reports. Amends TCA 12-4-405.

On motion, House Bill No. 869 was made to conform with Senate Bill No. 600.

On motion, **Senate Bill No. 600**, on same subject, was substituted for House Bill No. 869.

Rep. Rhinehart moved that **Senate Bill No. 600** be passed on third and final consideration.

On motion, Rep. Clark withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Thereupon, Rep. Rhinehart moved that **Senate Bill No. 600** be

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1385 -- Motor Vehicles -- Permits use of post office box number in registering motor vehicle. Amends TCA, Title 55, Ch. 4, Pt. 1.

Rep. Rhinehart moved that House Bill No. 1385 be passed on third and final consideration.

Rep. Clark moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1385 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 450,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 1385 be reset to the Calendar for Wednesday, March 13, 1991, which motion prevailed.

House Bill No. 0965 -- Banks and Financial Institutions --

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Expands Financial Institutions Conversion Act to include savings banks. Amends TCA, Title 45, Ch. 11.

On motion, House Bill No. 965 was made to conform with Senate Bill No. 281.

On motion, **Senate Bill No. 281**, on same subject, was substituted for House Bill No. 965.

Rep. Rhinehart moved that **Senate Bill No. 281** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0570 -- Loan Companies -- Removes sunset language from Industrial Loan and Thrift Companies Act. Amends Chapter 857, Public Acts of 1990.

Rep. Kisber moved that House Bill No. 570 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Purcell -- 1.

A motion to reconsider was tabled.

House Bill No. 0770 -- Taxes -- Allows for credit for bad debts against certain taxes. Amends TCA 67-4-711, 507.

On motion, House Bill No. 770 was made to conform with Senate Bill No. 767.

On motion, **Senate Bill No. 767**, on same subject, was substituted for House Bill No. 770.

Rep. Kisber moved that **Senate Bill No. 767** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Phillips moved to suspend **Rule No. 49** (48-hour rule) to allow bills moved from Calendar and Rules on Tuesday, March 12,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

1991, to be set on floor calendar(s) Wednesday, March 13, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Whitson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 138 out of order, which motion prevailed.

***House Joint Resolution No. 0138 -- Highway Signs --** Daniel Eugene Graybeal Memorial Bridge. by *Whitson, *Cole, *Holcomb, *Givens, *Robinson Ruth, *Allen, *Johnson, *Haun, *Hubbard, *Venable, *Niceley, *Davis R E.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Whitson, with the request that all member voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
March 11, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 123; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Severance moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 123 out of order, which motion prevailed.

***Senate Joint Resolution No. 0123** -- Memorials, Government Officials -- Requests FDIC to maintain Knoxville office. by *Gilbert.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Severance, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, March 13, 1991:

House Bill No. 421: Rep. Rhinehart.

BILLS WITHDRAWN

On motion of Rep. Phillips, **House Bill No. 551** was recalled from the State and Local Government Committee.

On motion of Rep. Phillips, **House Bill No. 551** was withdrawn from the House.

On motion of Rep. Kisber, **House Bill No. 1320** was recalled from the State and Local Government Committee.

On motion of Rep. Kisber, **House Bill No. 1320** was withdrawn from the House.

On motion of Rep. Dixon, **House Bill No. 1363** was recalled from the Health and Human Resources.

On motion of Rep. Dixon, **House Bill No. 1363** was withdrawn from the House.

MESSAGE FROM THE SENATE
March 11, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Joint Resolution(s) No(s). 125; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Dixon moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 125 out of order, which motion prevailed.

Senate Joint Resolution No. 0125 -- Memorials, Recognition and Thanks -- St. Patrick's Day Festival Celebration and Parade. by *Cohen.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Dixon, the resolution was concurred in.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0026 -- Memorials, Personal Achievement -- Jethro Barger, Youth Science Ambassador by People to People International. by *Moore.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0128 --** Memorials, Government Officials -- Directs study concerning development and coordination of state resources to combat morbidity and mortality among African American young adults. by *Jones R, *Pruitt.

Referred by the Speaker to the Health and Human Resources Committee.

***House Joint Resolution No. 0131 --** General Assembly, Studies -- Creates task force on disadvantaged African American men. by *Jones U, *King, *Turner L, *Jones R, *Pruitt, *Armstrong, *Love, *Dixon, *Robinson C B.

Referred by the Speaker to the Health and Human Resources Committee.

House Joint Resolution No. 0132 -- Memorials, Public Service -- Mr. and Mrs. Cecil Flowers. by *Crain, *Kisber, *Sipes.

Referred by the Speaker to the Calendar and Rules Committee.

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

House Joint Resolution No. 0133 -- Memorials, Public Service -- Wesley Beal. by *Ridgeway, *Herron.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0134 -- Memorials, Sports -- Central High School football team. by *Ridgeway.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0135 -- Memorials, Public Service -- Lucy Upchurch. by *Ridgeway.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0136 -- Memorials, Public Service -- Billy Keeton. by *Ridgeway.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0109 -- Memorials, Public Service -- Margaret Yarbrough.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0110 -- Memorials, Death -- Ted Holt.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0111 -- Memorials, Public Service -- Marshall H. Wilson, Coffee County road superintendent.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0112 -- Memorials, Public Service -- Duromatic Products Corporation.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1517 -- Eminent Domain -- Authorizes acquisition of certain properties by condemnation or eminent domain for certain

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

preservation purposes in Scott and Campbell counties. Amends TCA 11-14-401, 407. by *Cross.

Passed first consideration.

***House Bill No. 1522** -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1991. by *Purcell, *Naifeh, *Bragg, *DeBerry.

Passed first consideration.

***House Bill No. 1523** -- Bond Issues -- Authorizes \$286 million bond issue for certain purposes. by *Purcell, *Naifeh, *DeBerry, *Bragg, *Rhinehart, *Bivens.

Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s).1537, was/were referred to the Delayed Bills Committee.

***House Bill No. 1537** -- Highway Signs -- Provides for placement of signs honoring return of U.S. troops at each county courthouse; appropriates funds. by *Ferguson, *Windle, *Arriola.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0427** -- Driver Licenses -- Prohibits municipal law enforcement officers from seizing driver licenses for traffic violations. Amends TCA 55-50-801. (HB 0433).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0510** -- Election Laws -- Provides mechanism for advisory referendum in Shelby County on whether candidates for county and municipal elections be required to declare party affiliation. Amends TCA, Title 2, Ch. 13. (HB 0523).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0616** -- Purchasing -- Authorizes cities to increase threshold requirement for competitive bidding. Amends TCA 6-56-306. (HB 1166).

Held pending third consideration of companion House Bill.

Senate Bill No. 0874 -- Economic and Community Development --

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Establishes committee to recognize local efforts to foster community and neighborhood pride. Amends TCA, Title 4, Ch. 3, Pt. 7. (*HB 0374).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0950** -- Taxes, Severance -- Exempts material subject to sales and use tax. Amends TCA 67-6-209, 67-7-202. (HB 0841).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0976** -- Pensions and Retirement Benefits -- Allows establishment of retirement credit by members participating in TCRS through employment with certain political subdivisions. Amends TCA, Title 8, Ch. 35, Pt. 2. (HB 1387).

Held pending third consideration of companion House Bill.

Senate Bill No. 1117 -- County Officers -- Authorizes county legislative body to fill temporary vacancy when member is inducted into military. Amends TCA 8-48-205. (*HB 0633).

Held pending third consideration of companion House Bill.

Senate Bill No. 1371 -- Pensions and Retirement Benefits -- Authorizes Tennessee Municipal League and associated groups to participate in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2. (*HB 1413).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1531 -- Anderson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1532 -- Cottage Grove -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1533 -- Henry County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

SPONSORS ADDED

Without objection, the rules were suspended to allow the

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 325: Rep(s). Bittle, Haley, Halteman, Herron, Joyce, Kisber, McDaniel, Nicely, Pinion, Sipes Stamps, Tullos as prime sponsor(s).

House Bill No. 480: Rep(s). Nuber as prime sponsor(s).

House Bill No. 1155: Rep(s). Haley as prime sponsor(s).

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 11, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1531, 1532 and 1533.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 11, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, March 14, 1991:** House Resolution(s) No(s). 26; House Joint Resolution(s) No(s). 132, 133, 134, 135 and 136; House Bill(s) No(s). 1531, 1532 and 1533; also, Senate Joint Resolution(s) No(s). 109, 110, 111 and 112.

PHILLIPS, Chair.

ENGROSSED BILLS

March 11, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 140; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 11, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 371, 570, 833, 870, 999, 1257, 1493, 1495, 1496, 1504, 1508, 1516, 1520, 1525, 1526 and 1527; also, House Joint Resolution(s) No(s). 95, 98, 116, 123,

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

124 and 138; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 11, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 324, 672 and 1462; also, Senate Joint Resolution(s) No(s). 100, 101, 102 and 120; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 11, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 617; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 11, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 370, 952, 1494, 1498, 1509, 1510, 1511, 1513, 1514 and 1518; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 11, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 126 and 127; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0126 -- Memorials, Sports -- Germantown High School junior varsity cheerleaders. by *Person, *Dunavant.

MONDAY, MARCH 11, 1991 -- TWENTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0127 -- Memorials, Sports --
Germantown High School freshman cheerleaders. by *Person, *Dunavant.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 2:00 p.m.,
Wednesday, March 13, 1991.